

**COMMONWEALTH OF MASSACHUSETTS**  
**State Building Code (780 CMR) Appeals Board**  
**Board's Ruling on Appeal<sup>1</sup>**

**Docket No. 09-718**

Appellant(s): Kevin J. Joyce .  
representing Gabriel Castano

vz. Appellee(s): City of East Boston  
Tom O'Donnell

**Procedural History**

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from 6<sup>th</sup> Edition 780 CMR 310.6, 501.1, 503.1 for 5 Alna Place, Boston, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on March 5, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

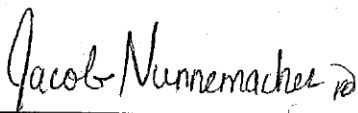
Kevin Joyce testified on behalf of the appellant. The appellant, Tom O'Donnell, and others appeared for the hearing, as shown on the sign in sheet on file with the Department of Public Safety.

**Discussion**

A motion was made to grant the Appellant's request for a variance from 6<sup>th</sup> Edition 780 CMR 310.6, 501.1, 503.1, and overrule the City of Boston Inspectional Services Department's denial of the building permit for the construction of a two-family dwelling. The motion is contingent upon the building construction type to be II-C, and that an NFPA 13 system and full alarm system be installed. There was a second on the motion and a board vote was taken. Jacob Nunnemacher voted against the motion. Douglas Semple and Stanley Shuman voted in favor of the motion.

**Conclusion**

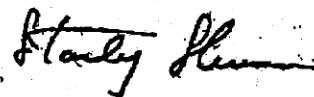
**The Appellant's request for a variance from 6<sup>th</sup> Edition 780 CMR 310.6, 501.1, 503.1, is hereby granted and so ordered<sup>2</sup> on this date: March 5, 2009.**



Jacob Nunnemacher



Douglas Semple



Stanley Shuman

<sup>1</sup> This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108.

<sup>2</sup> In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.